

## **SITE DEVELOPMENT PERMIT**

<b>FILE NO.</b>	<b>H19-049</b>
<b>LOCATION OF PROPERTY</b>	<b>2969 Daylight Way</b>
<b>ZONING DISTRICT</b>	<b>HI Heavy Industrial</b>
<b>GENERAL PLAN DESIGNATION</b>	<b>Heavy Industrial</b>
<b>PROPOSED USE</b>	<b>Site Development Permit to allow the demolition of a 321-square foot existing building and construction of a new 6,520-square foot industrial building for rental equipment storage and office uses, with associated site improvements and a corporation yard use on an approximately 2.14-gross acre site</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures</b>
<b>OWNER/ADDRESS</b>	<b>Brad Hoskins United Rentals 2249 Davis Court Hayward, CA 94545</b>
<b>ARCHITECT/ADDRESS</b>	<b>Laile Giansetto, AIA PSM Architects, Inc. 2423 Edwards Street Berkeley, CA 94702</b>

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. **Project Description.** This is a Site Development Permit to allow the demolition of a 321-square foot existing building and construction of a new 6,520-square foot industrial building for rental equipment storage and office uses, with associated site improvements and a corporation yard use, for United Rentals facility on an approximately 2.14-gross acre site in the HI Heavy Industrial Zoning District.
2. **Site Description and Surrounding Uses.** The subject site is located southeast of Daylight Way, approximately 260 feet southerly of Monterey Road, at 2969 Daylight Way. The site is occupied with an existing 321-square foot warehouse building and a surface parking lot. The site is bounded by auto-related and industrial uses to the north, east and west, beyond Daylight Way, and Monterey Highway to the south.
3. **General Plan Conformance.** The Envision San José 2040 General Plan/Transportation Diagram Land Use designation of the project site is Heavy Industrial. This designation is

intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries are typical of this category. Office and research and development uses are discouraged under this designation in order to reserve development sites for traditional industrial activities, such as heavy and light manufacturing and warehousing. The project has an industrial warehouse and corporation yard use, in conformance with the General Plan designation of Heavy Industrial and is also consistent with the following General Plan policies:

- a. Land Use Policy LU-7.1: Encourage industrial supplier/service business retention and expansion in appropriate areas in the City.
- b. Land Use and Employment Policy IE-1.1: To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses.

*Analysis: The proposed project will upgrade the existing industrial site with construction of a new metal building, with new landscaping and parking lot improvements, for industrial and related office uses, which will prevent conversion of industrial uses for non-employment purposes and provide high-quality rental equipment services to sustain employment in the industrial area.*

4. **Zoning Compliance.** The project site is located in the HI Heavy Industrial Zoning District. Pursuant to Section 20.100.610 of the City of San José Municipal Code, a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. The project conforms in all respects to the provisions of Title 20 of the San José Municipal Code, including the development standards of the HI Heavy Industrial Zoning District. The project proposes a new 6,520-square foot metal building for storage and warehouse purposes to be utilized for rental equipment business. The project also has an outdoor storage and corporation yard use, which is permitted under this zoning designation.

- a. **Use.** The proposed combination of warehouse, storage and related office and corporation yard uses are permitted in the HI Heavy Industrial Zoning District.
- b. **Setbacks.** The HI Heavy Industrial Zoning District requires a minimum 15-foot front setback, and zero-foot side and rear setbacks. The new building is set back approximately 90 feet from the front, 75 feet from the north side, 110 feet from the south side and approximately 189 feet from the rear property lines, in conformance to setback requirements.
- c. **Height.** The allowable height in this Zoning District is 50 feet and the proposed building will have a height of 22 feet to the top of the roof fascia, which is within the maximum height requirements.
- d. **Parking.**

*Vehicle Parking*

Storage and warehouses with a total gross floor area under 5,000 square feet require a minimum of two spaces. Pursuant to Section 20.50.125, incidental office uses which are less than 15 percent of the total industrial site area, do not require additional parking

spaces. Parking requirements, pursuant to Chapter 20.90.060 and Table 20-190, are shown in Table 1 below. The total required vehicle parking for all uses on site are 25 spaces and 35 spaces are provided to meet the requirement.

Land Use	Code Required Parking	Total Parking Spaces Required	Vehicle Parking Spaces Provided
Office use	1 space per 250 square feet of floor area	2,060 square feet floor area < 15 % (13,982 square feet) None required	9 parking spaces provided
Warehouse/Storage	A minimum of 2 spaces for warehouses with total gross floor area less than 5,000 square feet	3,460 square feet of warehouse storage requires 2 spaces	3 spaces
Corporation yard/ Outdoor storage	1 per employee of the largest shift,	14 employees per largest shift	14 spaces
Corporation yard/ Outdoor storage	One space per facility vehicle	9 trucks require 9 spaces	9 spaces
<b>Total</b>		<b>25 spaces required</b>	<b>35 spaces provided</b>

**Table 1: Parking Requirements**

#### *Bicycle Parking*

The warehouse use requires one space per ten fulltime employees. The proposed use will have 21 employees and therefore, three bike spaces are required, and three spaces are provided to meet the bicycle parking requirement.

5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties. Under the provisions of Section 15303(c), for New Construction or Conversion of Small Structures of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. This project qualifies for this exemption, in that the new building has a total floor area of 6,520 square feet, which does not exceed 10,000 square feet on sites not involving the use of significant amount of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive, therefore is exempt.

## FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, with respect to the Site Development Permit findings (Section 20.100.630), that:

1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable Specific Plans and Area Development Policies.

*Analysis: As described above, the project is consistent with and will further the policies of the General Plan and is consistent with General Plan Land Use policies LU-7.1 and Land Use and Employment policy IE-1.1. The project is not located in any Specific Plan or development policy areas.*

2. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San Jose Municipal Code applicable to the project.

*Analysis: The proposed project conforms to the development regulations established for the HI Heavy Industrial Zoning District in that the project conforms to the use, setbacks, height and parking requirements of the Zoning District, as discussed above.*

3. The Site Development Permit, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency.

*Analysis: The project has been noticed for public hearing to a radius of 500 feet, consistent with the Public Outreach City Council Policy. There are no other specific City Council policies for use of the new building for warehouse, storage and incidental office uses.*

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

*Analysis: The project proposes a new building with metal cladding and neutral shades and colors to be aesthetically harmonious and mutually compatible. The proposed project will utilize an existing loop driveway, new sliding metal entry gates and new on-site parking, to the front and sides of the building, to accommodate the combination of the proposed storage, warehouse and incidental office uses on site. The corporation yard use will be to the rear of the site, screened behind the proposed building, to be mutually compatible on site.*

5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

*Analysis: The proposed one-story metal building will be oriented towards Daylight Way to match the adjacent orientation and location of the buildings without altering the industrial character of the surrounding neighborhood. The site's immediate surroundings consist of warehouse and wholesale uses, similar in architectural style, height and layout, and therefore, the proposed upgrades to the site will make it more compatible and aesthetically harmonious to the character of the adjacent industrial uses.*

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an*

*unacceptable negative effect on adjacent property or properties, in that the project involves minor parking lot improvements such as restriping and repaving of an existing parking lot, with landscape improvements and provision of additional parking spaces, which will not cause noise or vibration or any other negative impacts to the surrounding neighborhood. Stormwater Management and runoff has been reviewed and approved per final Public Works Memorandum dated 3/23/20. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.*

*Analysis: Six new trees and landscaping, fences and gates are proposed on site. A new covered trash enclosure will be located on the north side of the site, adjacent to the parking spaces, as shown on the project plans. New site improvements will enhance and upgrade the appearance of the proposed building as viewed from Daylight Way.*

7. Traffic access, pedestrian access and parking are adequate.

*Analysis: The project provides 35 vehicle and three bicycle parking spaces and complies with the Zoning Ordinance requirement of parking provision for 25 vehicles and three bicycle parking spaces. The proposed ingress/egress driveway loop from Daylight Way has been reviewed by Public Works Department and deemed adequate for vehicle access and exit and the project will not cause any adverse traffic impacts. New striped walkways will provide adequate pedestrian access from public sidewalk to the existing building entrances on site.*

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Site Development Permit shall be deemed acceptance of all



conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San Jose Municipal Code requires that all land development approvals and applications for such approvals in the City of San Jose shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San Jose-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit plans titled, "United Rentals, 2969 Daylight Way, San Jose, CA 95111" dated Stamp received March 13, 2020, on file with the Department of Planning, Building and Code Enforcement, and to the San Jose Building Code with the exception of any subsequently approved changes.
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
9. **Trash.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
10. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
11. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
12. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.

13. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
14. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Sign Permit Adjustment.
15. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
16. **Lighting.** No on-site lighting is approved with this permit. All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, LED fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
17. **Landscaping.** Six new trees are proposed to be planted and existing landscaped areas shall be maintained as shown in the approved plan set.
18. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
19. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
20. **Tree Removals.** No tree removals are included with this permit. All trees larger than 38 inches in circumference, at a height of 54 inches above the natural grade slope, shall require a Tree Removal Permit issued by the Director of Planning. Existing tree canopies shall be protected during construction.
21. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for a new building (excluding façade improvements to the existing buildings), the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, H19-049, shall be printed on all construction plans submitted to the Building Division.
  - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
  - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
22. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.

23. **Fire Flow.** Required fire flow for the site is calculated using CFC Appendix B, or as otherwise approved in writing by the Fire Chief. A 50% reduction in required fire flow may be authorized for sprinklered buildings containing light hazard occupancies. A 25% reduction in required fire flow may be authorized for sprinklered buildings containing ordinary hazard occupancies. No reduction is provided for unsprinklered or extra hazard occupancy buildings.
24. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by the Fire Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief. The number and distribution of fire hydrants shall be based on CFC Table C105.1 (no reduction allowed for fire flow requirement).
25. **Public Works Clearance for Building Permit.** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:**
- i. In alignment with State of California Senate Bill 743 (SB743), the City of San Jose Policy, Transportation Impact Policy - Council Policy 5-3 has been replaced with a new Transportation Analysis Policy - Council Policy 5-1. Council Policy 5-1 replaces the transportation impacts threshold from Level of Service (LOS) under Council Policy 5-3 to Vehicle Miles Traveled (VMT). The new Transportation Analysis Policy is in effect on March 29, 2018. A Transportation Analysis (TA) is required prior to environmental clearance or zoning. TA reports are prepared to ensure that new development projects comply with all applicable transportation policies and regulations. Council Policy 5-1, Transportation Analysis Handbook and other transportation analysis resources can be found at the Development Services website: <http://www.sanjoseca.gov/index.aspx?NID=3162>
- ii. This project would not require a detailed CEQA transportation analysis because the project is expected to result in less-than-significant VMT impacts based on Table 1 (Screening Criteria for CEQA Transportation Analysis for Development Projects) of the Transportation Analysis Handbook 2018, Small Infill Projects of Industrial of 30,000 square feet of gross floor area or less.
- c. **Grading/Geology:**
- i. A grading permit is required prior to the issuance of a Public Works Clearance.
- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The



- drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
  - v. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit. This report should include, but is not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed for conformance with City Policy 6-29.
  - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- e. **Flood Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- f. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- g. **Undergrounding:**
- i. The In-Lieu Undergrounding Fee shall be paid to the City for all frontage(s) adjacent to Daylight Way prior to issuance of a Public Works Clearance. 100 percent of the base fee in place at the time of payment will be due. Currently, the 2019 base fee is \$489 per linear foot of frontage and is subject to change every January 31<sup>st</sup> based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued (based on 2019 rate, the fee is approximately \$70,905).

- ii. The Director of Public Works may, at his discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Daylight Way. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

**h. Street Improvements:**

- i. Provide 9' attached sidewalk with tree wells on Daylight Way. An approximate 2' dedication will be required to accommodate the 9' sidewalk.
  - ii. Proposed driveway width to be 24'.
  - iii. Close unused driveway cuts.
  - iv. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
  - v. Dedication and improvement of the public streets shall be to satisfaction of the Director of Public Works.
  - vi. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- i. Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- j. Street Trees:**
- i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
  - ii. Recommended street trees: *Corymbia ficifolia* planted 35' on center.
  - iii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
- k. Referrals:** This project should be coordinated with DOT Regional Rail team for future Rail Corridor Plan along Monterey Road: Brian Stanke, Rail Planning Manager, phone: (408) 795-1834 (office) or email: [Brian.stanke@sanjoseca.gov](mailto:Brian.stanke@sanjoseca.gov).

**26. Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San Jose Municipal Code it finds: \

- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or

- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

**APPROVED** and issued on this **29<sup>th</sup> day of May 2020.**

Rosalynn Hughey, Director  
Planning, Building, and Code Enforcement

Deputy

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